UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: BEXTRA AND CELEBREX MARKETING SALES PRACTICES AND PRODUCT LIABILITY LITIGATION	CASE NO. M:05-CV-01669-CRB MDL NO. 1699
This Document Relates to: *Hamerski, et al. v. Pfizer, Inc., et al.,* (Case No. 3:06-cv-4125-CRB)	**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE**

Plaintiff Ms. Mary Pogue, individually and as Next of Kin of Deceased, Charlotte Hamerski ("Plaintiff") and Defendants Pfizer, Inc., Pharmacia Corp., and G.D. Searle LLC and Pharmacia Upjohn Company LLC ("Defendants") hereby stipulate to the dismissal with prejudice of Plaintiff's claims against Defendants, subject to the following condition:

Pursuant to Paragraph II (A)(3) of the Confidential Settlement Term Sheet between and among Pfizer Inc. and Milberg LLP, Pfizer shall not file this stipulation and order of dismissal with prejudice until the appropriate settlement funds have been released to the above-captioned plaintiff(s).

Plaintiff and Defendants agree to the above-stated condition and Plaintiff wishes to dismiss his/her claims in the instant lawsuit with prejudice.

The parties shall each bear their own costs.

WHEREFORE, the parties hereto stipulate to the dismissal of the claims of Plaintiff Ms. Mary Pogue, individually and as Next of Kin of Deceased, Charlotte Hamerski in the above-styled lawsuit with prejudice, subject to the condition stated above.

Bextra Settlement Stipulation of Dismissal-ND Cal TEMPLATE.doc

IT IS SO ORDERED, this *17th* day of *August* , 2009.

CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

Respectfully Submitted by:

Dated: March 27, 2009

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Dated: _____ 8/12 , 2009

/s/ Loren Brown

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